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10/574,193

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EXAMINER

AJIBADE AKONAI, OLUMIDE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,193	Applicant(s) AALTONEN ET AL.	
	Examiner OLUMIDE T. AJIBADE AKONAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/28/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6, 10-15, 19-20, 22, 24, 25, 27, 29, and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by **Kim et al 20030032389 (hereinafter Kim)**.

Regarding **claim 1**, Kim discloses a method of operating a mobile terminal, the method comprising: accessing a service portal (TV broadcasting system 201, see fig. 1, p.2, [0034]) via a bi-directional network (BS communicating with TV broadcasting system via a mobile communication system, see fig. 1, p.2, [0036]-[0037], p.3, [0046], p.4, [0053]); selecting an item on a service menu included in the service portal and corresponding to a broadcast service (selecting a channel from the list of TV channels displayed when the MS is communicating with the TV broadcasting system via the mobile network, see p.4, [0054]-[0056], p.5, [0070]); receiving channel parameter data (see p.4, [0055]) relating to the corresponding broadcast service from the service portal (MS receiving TV BCH, see p.4, [0054]-[0055]); using the received channel parameter data to open a communications channel (selecting and tuning to a particular TV channel, see p.4, [0054], p.5, [0070]-[0071]); and receiving

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broadcast data for the broadcast service through the communications channel (see p.4, [0056]-[0057], p.5, [0070]-[0071]).

Regarding **claim 10**, Kim discloses a mobile terminal (MS, see fig. 5, p.3, [0047]) comprising: means (501, see fig. 5, p.3, [0048]) for accessing a service portal (TV broadcasting system 201, see fig. 1, p.2, [0034]) via a bi-directional network (BS communicating with TV broadcasting system via a mobile communication system, see fig. 1, p.2, [0036]-[0037], p.3, [0046], p.4, [0053]); means for allowing selection of an item on a service menu included in the portal and corresponding to a broadcast service (selecting a channel from the list of TV channels displayed when the MS is communicating with the TV broadcasting system via the mobile network, see p.4, [0054]-[0056], p.5, [0070]); means for receiving from the portal channel parameter data (see p.4, [0055]) relating to the broadcast service (MS receiving TV BCH, see p.4, [0054]-[0055]); means for opening a communications channel using the channel parameter data (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4, [0054], p.5, [0070]-[0071]); and means for receiving broadcast data for the broadcast service through the communications channel (see p.4, [0056]-[0057], p.5, [0070]-[0071]).

Regarding **claims 2 and 11**, as applied to claims 1 and 10, Kim further discloses wherein the channel parameter data includes an internet protocol address and/or a port number relating to the broadcast service (see p.4, [0055], p.5, [0070]).

Regarding **claims 3 and 12**, as applied to claims 1 and 10, Kim further discloses receiving service information data (TV channel listing, see p.4, [0056], p.5, [0070]).

Regarding **claims 4 and 13**, as applied to claims 3 and 12, Kim further discloses wherein the service information data comprises one or more of an IP/MAC notification table, a network information table, and a program mapping table (TV channel listing, see p.4, [0056], p.5, [0070]).

Regarding **claims 5 and 14**, as applied to claims 3 and 12, Kim further discloses receiving the service information data from the service portal (selecting a channel from the list of TV channels displayed when the MS is communicating with the TV broadcasting system via the mobile network, the TV channel list received from the TV broadcasting system, see p.4, [0054]-[0056], p.5, [0070]).

Regarding **claims 6 and 15** as applied to claims 3 and 12, Kim further discloses receiving the service information data over a broadcast network (see fig. 1, p.4, [0054]-[0056], p.5, [0070]).

Regarding **claim 19**, Kim discloses a method of operating a service portal, the method comprising: storing data relating to channel parameters of one or more broadcast services (TV broadcasting system storing EPG that contains a menu of TV BCH, see p.2, [0033], [0036], p.5, [0070]); providing one or more selectable items on a service menu (presenting list of TV channels, see p.2, [0036], [0070]), each item relating to a broadcast service (see p.2, [0036], [0070]); and in response to the selection of an item from a remote terminal (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4,

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[0054], p.5, [0070]-[0071]), sending channel parameter data relating to the corresponding broadcast service to the remote terminal (see p.4, [0056]-[0057], p.5, [0070]-[0071]).

Regarding **claim 24**, Kim discloses a service portal (TV broadcasting system 201, see fig. 1, p.2, [0034]) arranged: to store data relating to channel parameters (see p.4, [0055]) of one or more broadcast services (TV broadcasting system storing EPG that contains a menu of TV BCH, see p.2, [0033], [0036], p.5, [0070]); to provide one or more selectable items on a service menu, each item relating to a broadcast service (presenting list of TV channels, see p.2, [0036], [0070]); and to be responsive to the selection of an item by a remote terminal to send channel parameter data relating to the corresponding broadcast service to the remote terminal (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4, [0054], p.5, [0070]-[0071]).

Regarding **claims 20 and 25** as applied to claims 19 and 24, Kim further discloses recording the number of occasions of each item being selected (see p.5, [0069]-[0071]).

Regarding **claims 22 and 27** as applied to claims 19 and 24, Kim further discloses determining whether the terminal is capable of consuming and/or is permitted to access the broadcast service relating to the selected item (see p.5, [0069]-[0071]), and in response to a negative determination, providing a service menu listing one or more appropriate services (see p.5, [0069]-[0071]).

Regarding **claim 29**, Kim discloses a system comprising a service portal (TV broadcasting system 201, see fig. 1, p.2, [0034]) accessible via a bi-

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directional network by a mobile terminal (BS communicating with TV broadcasting system via a mobile communication system, see fig. 1, p.2, [0036]-[0037], p.3, [0046], p.4, [0053]), the service portal being arranged to provide a service menu comprising one or more items each corresponding to a broadcast service (presenting list of TV channels, see p.2, [0036], [0070]); the mobile terminal being arranged for allowing selection of one of the items (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4, [0054], p.5, [0070]-[0071]); the service portal being responsive to an item selection to send to the mobile terminal channel parameter information relating to the corresponding broadcast service (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4, [0054], p.5, [0070]-[0071]); the mobile terminal being arranged to use the channel parameter information (see p.4, [0055]) to open a communications channel, and to receive broadcast data for the broadcast service through the communications channel (selecting a channel from the list of TV channels displayed when the MS is communicating with the TV broadcasting system via the mobile network and using the selected TV channel to receiving TV broadcasting, see p.4, [0054]-[0056], p.5, [0070]-[0071]).

Regarding **claim 30**, Kim discloses a method of operating a system comprising a service portal (TV broadcasting system 201, see fig. 1, p.2, [0034]) and a mobile terminal (MS, see fig. 5, p.3, [0047]), the method comprising: accessing the service portal from the mobile terminal via a bi-directional network (BS communicating with TV broadcasting system via a mobile communication system, see fig. 1, p.2, [0036]-[0037], p.3, [0046], p.4, [0053]);

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providing a service menu comprising one or more items each corresponding to a broadcast service (presenting list of TV channels, see p.2, [0036], [0070]); using the mobile terminal to select one of the items (selecting and tuning to a particular TV channel, see fig. 5, p.3, [0049], p.4, [0054], p.5, [0070]-[0071]); sending from the service portal to the mobile terminal channel parameter information relating to the broadcast service (see p.4, [0055]); at the mobile terminal, using the received channel parameter information to open a communications channel; and at the mobile terminal, receiving broadcast data for the broadcast service through the communications channel (selecting a channel from the list of TV channels displayed when the MS is communicating with the TV broadcasting system via the mobile network and using the selected TV channel to receiving TV broadcasting, see p.4, [0054]-[0056], p.5, [0070]-[0071]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7-8, 16-17, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al 20030032389 (hereinafter Kim)** in view of **Stille WO 02/13488**.

Regarding **claims 7 and 16** as applied to claims 1 and 10, Kim discloses the claimed limitation except receiving data from the service portal identifying an application, and in response, opening the application in the mobile terminal.

However, Stille discloses receiving data (audio or video objects, see fig. 1, page 3, line 13) from a service portal (45, see figs. 1-2, page 3, line 14) identifying an application, and in response, opening the application in the mobile terminal (see figs. 1-2, page 3, lines 10-24, page 4-20).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Stille, by

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having the wireless device MS of Kim receive data of WAP identity for the benefit of activating a WAP browser of the MS.

Regarding **claims 8 and 17** as applied to claims 1 and 10, Kim discloses the claimed invention except wherein the service portal is a wireless application protocol service.

However, Stille further discloses wherein the service portal is a wireless application protocol service (see figs. 1-2, page 3, lines 10-24, page 4-20).

Regarding **claims 23 and 28**, as applied to claims 19 and 24, Kim discloses the claimed limitation except wherein the service portal is arranged to transmit data identifying an application for consuming the broadcast service.

However, Stille further discloses wherein the service portal is arranged to transmit data identifying an application for consuming the broadcast service (see figs. 1-2, page 3, lines 10-24, page 4-20).

5. Claims **8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al 20030032389 (hereinafter Kim)** in view of **Rebhan et al WO 99/33076 (hereinafter Rebhan)**.

Regarding **claims 9 and 18** as applied to claims 1 and 10, Kim discloses the claimed limitation except sending data identifying a subscriber, the mobile terminal and/or terminal capabilities to the service portal.

In the same field of endeavor, Rebhan discloses sending data (transport stream, see page 18, lines 4-29, page 19, lines 14-17) identifying a subscriber, the mobile terminal and/or terminal capabilities to the service portal

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(transmitting transport stream to an information transfer point, see fig. 2, page 22, lines 24-33).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Rebhan, by sending information from the mobile device to the DVB broadcast system, into the system of Kim for the benefit of using the information transmitted to the DVB broadcast system to locate the mobile station.

6. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al 20030032389 (hereinafter Kim)** in view of **Wang 20040203630**.

Regarding **claims 21 and 26** as applied to claims 19 and 24, Kim discloses the claimed limitation except determining which services the terminal is capable of consuming and/or is permitted to access (determining sports related subject matter associated with the location of a mobile terminal 106, see p.4, [0040]-[0041]), and providing on the service menu only items relating to the appropriate services (providing a EPG information associated with local sports based on the location of mobile terminal 106, see p.4, [0040]-[0041]).

In a similar field of endeavor, Wang discloses determining which services the terminal is capable of consuming and/or is permitted to access, and providing on the service menu only items relating to the appropriate services.

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Wang, by determining a location of a mobile terminal and sending location based EPG

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information containing a list of channels accessible to the mobile terminal, with the system of Kim for the benefit of providing personalized information mobile terminals.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noreen et al 20020183059 discloses an interactive system and method for use with broadcast media.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617